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International Court of Justice

H2327 - 0002

OFFICE OF CHIEF OF COUNSEL FOR WAR CRIMES

EVIDENCE DIVISION

Date: 16 July 1948

I certify that Document Number 2994-PS was introduced into evidence as Exhibit Number USA-66, in the Trial by the International Tribunal of Hermann GOERING, et al, which commenced on 20 November 1945, and that the attached photostat is a true and correct copy of the original.

Fred Niebergall

FRED NIEBERGALL
Chief, Document Control Branch

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C E R T I F I C A T E

I hereby certify that the annexed document 2994-PS No. USA - 66 is a photostat of an original document submitted in evidence by the United States Prosecution under this number. The original document has been withdrawn in accordance with Rule 10 of the International Military Tribunal, and to the best of my knowledge and belief is to be held at the National Archives, Washington D.C. .

Paul Joosten

Nuremberg, 24 June 1948

PAUL A. JOOSTEN

General Secretary
International Military
Tribunal

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OFFICE OF US CHIEF OF COUNSEL
FOR THE PROSECUTION OF AXIS CRIMINALITY
APO 403, US ARMY

Nurnberg, Germany.
19 November, 1945.

A F F I D A V I T .

OF
KURT VON SCHUSCHNIGG - FORMER CHANCELLOR OF AUSTRIA

I, Kurt von Schuschnigg, being first duly sworn, depose and say as follows:

That, I was Federal Chancellor of Austria from 1 August 1934 until 11 March, 1938; that during my tenure of office as Federal Chancellor of Austria, more particularly on the 11th day of July, 1936, I negotiated with the then existing Government of the German Reich, and with Adolf Hitler, an Agreement, more particularly known as the Agreement of 11 July 1936.

I further depose and say that, prior to the consumation of the aforesaid Agreement, the German Government had placed certain economic barriers against trade between German and Austrian subjects - towit - the 1,000 Mark barrier which said barrier provided that any German citizen who crosses the border of Germany into Austria is obliged to pay to the German Government the sum of 1,000 Reich Marks for the privilege thereof - Austria had been accustomed before this edict of the German Government to receive into Austria some one hundred thousand visitors from Germany annually.

I further state that the aforesaid barrier placed against Austria was extremely injurious to Austrian agriculture and industrialist interest,

As the Federal Chancellor of Austria, I accordingly attempted to reach an assurance from the Government of the German Reich, and more particularly Adolf Hitler, the Chief of the aforesaid Government of Germany, that he, Adolf Hitler, would lift the 1,000 Mark barrier he had levied against Austria and reassure Austria that he had no Political designs concerning our State, Austria.

At that time, Franz von Papen, who was the duly constituted representative of Germany in Austria, namely, special Ambassador to Vienna, conducted all negotiations with the Austrian Government for the conclusion of the aforesaid Agreement.

I further depose and say that a draft of the said Agreement was prepared in Vienna, Austria, by the Austrian Government, together with von Papen. That the said draft was carried by von Papen to Germany, and with minor alterations there accepted by Hitler without further formality, by either Hitler or the Austrian Government.

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The said Agreement being as follows:

1. "The Reich Government recognizes the full sovereignty of the Federal State of Austria, in the sense of the Fuehrer and the Reichskanzler's statements of May 21st, 1935" (Germany has neither the intention nor the desire to interfere in internal Austrian affairs, or to carry through an annexation or anschluss of Austria).

2. Internal political matters, including the question of Austrian National Socialism, are regarded by each State as purely the private affair of the other, which it will not seek to influence directly or indirectly.

3. Austria promises to conduct its general policy, especially vis-à-vis Germany, in accordance with the fact that Austria recognizes herself to be a German State.

I further depose and state that there was secret part of the said treaty, which contained generally the following Agreement:

1. Nazi organizations shall be started on Austrian soil for German subjects, provided they do not try to influence by propaganda Austrian subjects.

2. Recalling that both States belong to the German Cultural Circle they mutually agree to abstain from allowing any aggressive tendencies against the other in broadcasting, film, news or theatrical matters. Restrictions on books were to be gradually removed.

3. Press - Each country obliges itself to influence its Press, including that of the emigres - so that it shall not interfere in internal affairs, and shall restrict its criticism of the other. Austria accepts five national newspapers: The Berliner Börsenzeitung; Berliner Tagblatt; Deutsche Allgemeine Zeitung; Leipziger Neueste Nachrichten; and the Essener Nationalzeitung.

4. Austria will examine the question of the return of the Austrian Legion.

5. Austria sanctions the use of the Swastika badge and Banner and the singing of the Horst Wessel song, by German subjects in Austria.

6, Provided for the mutual abolition of restriction on tourists visits - abolish the 1,000 Mark barrier.

7. Future touristic trade between the two countries.

8. Same as para 3 of the original Agreement above.

9. a. Austria grants an amnesty to all Nazis, except those guilty of grave crimes, including the members of the Austrian Legion, if permitted to return.

b. With the object of encouraging a real appeasement, the Austrian Chancellor declares that he is prepared, at a suitable moment which he intends shall come in the near future, to summon leaders of the so-called "national opposition in Austria" to cooperate in taking political responsi-

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bility. The persons concerned shall enjoy the confidence of the Austrian Chancellor, whom he is to select himself. It is hereby agreed that these persons shall be given the task of providing, in accordance with a plan to be drawn up in advance, for the internal satisfaction of the wishes of the National opposition and their cooperation in forming political opinions in Austria".

Notwithstanding the agreement by and between Austria and Germany, consumated on 11 July 1936, Germany continued to support the National Socialist Party in Austria, backing and encouraging the said National Socialist Party then existing in Austria, to create overt acts against the legally constituted Government of Austria, with the design to overthrow the Government of Austria, towit:

1. The Olympic Torchlight Demonstration during the last days of July 1936, when, at the occasion of the Olympic Games, the Olympic torch passed Vienna on its way from Athens to Berlin, an official celebration was planned, which was to be held on the Vienna Heldenplatz (Heroes' Square - Burg); the Federal President, the Government, and the Diplomatic Corps were to be present, prepared to give official speeches, etc.

The National Socialists -- organized at the time into the "Deutscher Turnerbund" (german Athletic League) -- interrupted the celebration with a well-prepared demonstration in favor of the Anschluss (singing of National Socialist songs, giving of the Hitler salute, etc.) which, of course, was particularly embarrassing for the government in view of the fact that the celebration was broadcast. As was admitted by the German propaganda machine after March 1938, this demonstration was staged with the agreement and participation of Reich German party offices. Its effect was to paralyze the agreements of July 11, 1936, which had been concluded a few weeks previously, and which were unfavorable to the National Socialist illegal party in Austria.

2. Visit of von Neurath to Vienna during February 1937. When Neurath arrived in Vienna, the illegal National Socialist Party staged a large Anschluss demonstration under the leadership of Leopold. Its participants were lined up along the concourse from the Westbahnhof (Western Station) of Vienna to the Hotel Imperial; In the course of this demonstration there were proclamations in favor of Hitler and against Austrian independence and the Austrian government (there were 30,000 National Socialists, according to police reports.)

The German press played up these demonstrations as a "proof of the Austrian desire for Anschluss"; at the same time, it strongly attacked the Austrian Government because it had intervened against the demonstrators.

3. Financing with large sums of money the illegal National Socialist Party in Austria. Large sums of money were diverted to Austria for the purpose of financing the illegal movement. The illegal party functionaries (Gauleiter, etc) were paid by Germany. Leopold, for instance, had a German Mercedes car.

4. Purchasing Agricultural Products by Germany only from Proven Members of the National Socialist Party in Austria. German buyers of cattle and wood made their transactions dependent upon the membership of the Austrian dealer in the illegal party.

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5. Notwithstanding the alleged removal of the 1000 Mark barrier, enacting a further decree that prevented German visitors from taking to Austria more than five Reich Marks. Due to the fact that German tourists were allowed to bring no more than 5 Marks, the German tourist trade continued to be out of the qu stion for Austria.

6. Provocative Behaviour of German Official Visitors to Austria. A visit of German industrialists in Austria under the direction of the Party("N.S.K.K") was abused for Anschluss Demonstrations (e.g. in Leoben, Summer 1937).

German motorists in Austria were obliged to display the Swastika flag on their cars, if they did not want to incur persecution by the Gestapo upon their return to the Reich.

Reich German guest speakers in Vienna abused Austrian hospitality in the most flagrant manner (eg. Buerckel, Oberlindober, etc).

Goering, at the occasion of a return visit of Austrian industrialists in Berlin (1937) openly disseminated Anschluss Propaganda).

7. Use for anti-Austrian Propaganda purposes in the German Newspapers permitted to be published in Austria in accordance with the provisions of the 11 July 1936 agreement - The Essenernationalzeitung, Goering's official newspaper.

The attitude of the German Press with regard to Austria remained unfriendly, and at times became spiteful; it contained repeated misstatements and attacks against the government.

8. Finally, the most serious violation and disregard for the provisions of the 11 July 1936 agreement was manifested by the discovery of the Tavs Plan, which plan was captured by the Austrian Police at 4 Tienfelstrasse during the month of November 1937. This plan contained instructions from High Nazi Officials, towit: the Deputy Leader of the Nazi Party, namely Rudolf Hess, and was as follows:

(1) The overall situation in Germany demonstrates that the time for action has come in Austria. England is occupied with the conflict in the Far East; moreover, she has not yet gotten over the Abyssinia crisis nor the Spanish conflict, which offers a menace to Gibraltar. France is incapable of actiondue to social conflicts within the country, adverse economic conditions, and the uncertainty of the situation in Spain. Czechoslovakia finds herself in extremely di ficult circumstances due to the enormous growth of the Henlein party, the encouragement of the Slovak and Hungarian polulation occasioned by this growth, and the weakened condition of France. Jugoslavia fears the restoration of the Habsburgs in Austria which would revive the old conflict, among Croats, Slovenes, and Serbs; she is willing, therefore, to welcome any solution which liquidates the Habsburg question once and for all. Italy, finally, has been weakened by Abyssinia and the conflict with Spain to such a degree that she is dependent upon the treaty friendship of Germany and that she will not seriously oppose any action which does not interfere with her direct interests fur survival. It is supposed that a strengthened guarantee with regard to the Brenner frontier will suffice to insure Mussolini's neutrality.

(2) It is at this moment that action against Austria will have to be undertaken.

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Course to be followed.

(a) For any reason whatever, the details of whichwill be mentioned later, unrest among National Socialist Party members will break out. This unrest is to provoke the government to employ government forces throughout the country for stringent measures.

(b) The German government, after previously informing her Axis partner, submits an ultimatum is to demand the incorporation of National Socialists into th government and the withdrawal of government forces. In case of a refusal, the German Army would march in.

(c) If the Austrian government accedes to this ultimatum, the incorporation, on a basis of equality, of the illegal party into all government offices, in the Fatherland Front, and professional organizations is to be effected.

(d) It is to be assumed that the government is no more in the position to quelch the unrest in the country.

(e) In this case, the German Army marches into Austria in order to restore order.

Kurt v. Schuschnigg

KURT VON SCHUSCHNIGG.

Subscribed to and sworn to before me
this 19th day of November, 1945.

CURTIS L. WILLIAMS
Colonel, IGD.

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